

## **REMARKS**

### **I. Introduction**

With the cancellation herein without prejudice of claim 34, and the addition of claim 35, claims 17 to 33, and 35 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the indication that all copies of the certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper and cited references.

### **II. Objection to Claim 34**

Regarding the objection to claim 34, the Examiner will note that claim 34 has been canceled herein without prejudice, thereby rendering moot the present objection. Accordingly, withdrawal of this objection is respectfully requested.

### **III. Double Patenting**

Regarding the provisional double patenting rejection, while this provisional rejection is not agreed with, to facilitate matters, Applicants are prepared to file a Terminal Disclaimer upon withdrawal of all other rejections and an indication that the present application is otherwise in condition for immediate allowance.

### **IV. Rejection of Claims 17 to 19, 26 to 28, and 31 to 34 Under 35 U.S.C. § 102(b)**

Claims 17 to 19, 26 to 28, and 31 to 34 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,952,957 ("Szu"). It is respectfully submitted that Szu does not anticipate the present claims as amended herein for at least the following reasons.

Claim 17 has been amended herein without prejudice to recite that the handheld measuring device for localizing at least one object enclosed in a medium includes a display that depicts signal characteristics detected by a displacement sensor. Support for this amendment may be found, for example, on page 17, lines

25 to 34, of the Specification. The displacement sensor that is integrated in the present device makes it possible to directly assign a measured value of one or more sensors to a location position of the device, so that in addition to the current signal levels, that is, signal characteristics, the signal strength as a function of the displacement may also be represented and displayed on the measuring device.

Szu does not disclose, or even suggest, a display that depicts signal characteristics detected by a displacement sensor. Szu describes a system for generating and displaying an image of a target object including an infrared unit (103), a radar unit (102), a processor (101), and a display device (104). Szu makes no mention whatsoever of a display that depicts signal characteristics detected by a displacement sensor. In Szu, a recording of measured signal data as a function of the displacement, and in particular an assignment of a measured signal value to a location coordinate is not possible. Only the current measured result at the existing current measurement location is displayed. As such, it is respectfully submitted that Szu does not disclose, or even suggest, all of the features included in claim 17. Consequently, it is respectfully submitted that Szu does not anticipate claim 17, or claims 18 and 19, which depend from claim 17.

Claim 26 has been amended herein without prejudice to recite that the method for localizing at least one object enclosed in a medium includes determining the desirability of the signals for subsequent data processing, and selectively displaying the desired information of at least one of the sensors. Support for this amendment may be found, for example, on page 13, lines 5 to 9, and page 21, lines 6 and 7, of the Specification. For example, as described on page 20, line 33, to page 21, line 7, of the Specification, information received by the sensors may be “switched into or also blanked out again on the display of the measuring device, automatically or in a manner defined by the user, so that a user can selectively display only the desired information.” Further, it is possible to display both the processed measurement results of individual sensors and the combined measurement result of a plurality of sensors or of all sensors. In this manner, the method according to the present invention makes it possible to display in succession or simultaneously, for example, as described on page 7, lines 15 to 20, in the display of the measuring device metal tubes and plastic tubes, current-carrying electric lines, plastics or also objects of wood or hollow spaces in walls. While Szu describes processing an infrared signal and radar signal to extract information of the target

object, Szu makes no mention whatsoever of determining the desirability of the signals for subsequent processing. Further, while Szu describes producing and displaying an image, Szu makes no mention of selectively displaying the desired information of at least one of the sensors. As such, it is respectfully submitted that Szu does not disclose, or even suggest, all of the features included in claim 26. Consequently, it is respectfully submitted that Szu does not anticipate claim 26, or claims 27, 28, and 31 to 33, which depend from claim 26.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

**V. Rejection of Claims 17 to 21, 24 to 27, and 31 to 34 Under 35 U.S.C. § 102(a)**

Claims 17 to 21, 24 to 27, and 31 to 34 were rejected under 35 U.S.C. § 102(a) as anticipated by U.S. Patent Application Publication No. 2003/0193429 (“Campana et al.”). It is respectfully submitted that Campana et al. does not anticipate the present claims as amended herein for at least the following reasons.

Campana et al. does not disclose, or even suggest, a display that depicts signal characteristics detected by a displacement sensor. Campana et al. describes a sensor array (30) containing a row of GPR sensors (70), EMI coils (80), and a row of DLIR detectors (140), whereby the sensors are connected to the processor based system (130) and are configured to look down at the ground (60) in order to detect buried objects. Campana et al. makes no mention whatsoever of a display that depicts signal characteristics detected by a displacement sensor. As such, it is respectfully submitted that Campana et al. does not disclose, or even suggest, all of the features included in claim 17. Consequently, it is respectfully submitted that Campana et al. does not anticipate claim 17, or claims 18 to 21, 24, and 25, which depend from claim 17.

Further, Campana et al. does not disclose, or even suggest, a method for localizing at least one object enclosed in a medium including determining the desirability of the signals for subsequent data processing, and selectively displaying the desired information of at least one of the sensors. As such, it is respectfully submitted that Campana et al. does not disclose, or even suggest, all of the features included in claim 26. Consequently, it is respectfully submitted that Campana et al.

does not anticipate claim 26, or claims 27, and 31 to 33, which depend from claim 26.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

**VI. Rejection of Claims 17, 18, 21 to 28, and 31 to 34 Under 35 U.S.C. § 102(e)**

Claims 17, 18, 21 to 28, and 31 to 34 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 7,034,677 (“Steinthal et al.”). It is respectfully submitted that Steinthal et al. does not anticipate the present claims as amended herein for at least the following reasons.

Steinthal et al. does not disclose, or even suggest, a display that depicts signal characteristics detected by a displacement sensor. Steinthal et al. describes sensor array detectors capable of producing a response in the presence of physical stimuli. Steinthal et al. makes no mention whatsoever of a display that depicts signal characteristics detected by a displacement sensor. As such, it is respectfully submitted that Steinthal et al. does not disclose, or even suggest, all of the features included in claim 17. Consequently, it is respectfully submitted that Steinthal et al. does not anticipate claim 17, or claims 18, and 21 to 25, which depend from claim 17.

Further, Steinthal et al. does not disclose, or even suggest, a method for localizing at least one object enclosed in a medium including determining the desirability of the signals for subsequent data processing, and selectively displaying the desired information of at least one of the sensors. As such, it is respectfully submitted that Steinthal et al. does not disclose, or even suggest, all of the features included in claim 26. Consequently, it is respectfully submitted that Steinthal et al. does not anticipate claim 26, or claims 27, 28, and 31 to 33, which depend from claim 26.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

**VII. Rejection of Claims 28 to 30 Under 35 U.S.C. § 103(a)**

Claims 28 to 30 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Campana et al. and U.S. Patent No. 5,945,825

(“Clemens”). It is respectfully submitted that the combination of Campana et al. and Clemens does not render unpatentable these claims for at least the following reasons.

Among the requirements for rendering a claim unpatentable under 35 U.S.C. § 103(a) is that all of the features of the claim must be disclosed or suggested by the prior art. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Claims 28 to 30 depend from claim 26 and therefore include all of the features included in claim 26. As more fully set forth above, Campana et al. does not disclose, or even suggest, all of the features included in claim 26. Clemens is not relied upon for disclosing or suggesting the features of claim 26 not disclosed or suggested by Campana et al. Indeed, it is respectfully submitted that Clemens does not disclose, or even suggest, the features included in claim 26 not disclosed or suggested by Campana et al. As such, it is respectfully submitted that the combination of Campana et al. and Clemens does not render unpatentable claims 28 to 30, which depend from claim 26.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

#### **VIII. New Claim 35**

New claim 35 has been added herein. It is respectfully submitted that claim 35 adds no new matter and is fully supported by the present application, including, for example, on page 7, lines 3 to 6 of the Specification. Since claim 35 depends from claim 17, it is respectfully submitted that claim 35 is allowable for at least the same reasons as claim 17.

**IX. Conclusion**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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